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ADMINISTRATIVE INFORMATION

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/500,135	02/08/2000	David A. Estell	A-68893 DJB DAV	2164

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EXAMINER

SAUNDERS, DAVID A

ARTICLE PAPER NUMBER

644

DATE MAILED 01/07/2003

25

Please find below and or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

500,135

Applicant(s)

ESTELLE et al

Examiner

SAUNDERS

Group Art Unit

1684

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☒ Responsive to communication(s) filed on 9/30/02
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 2, 5, 7, 14, 29-34, 39, 41 is/are pending in the application.
- ☐ Of the above claim(s) _____ is/are withdrawn from consideration.
- ☒ Claim(s) 41 is/are allowed.
- ☒ Claim(s) 2, 5, 7 is/are rejected.
- ☒ Claim(s) 14, 29-34, 39 is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
- ☐ received in Application No. (Series Code/Serial Number) _____
- ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

Office Action Summary

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A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/3/02 has been entered.

Following entry of the amendment of 9/3/02 (Paper 19), claims 2, 5, 7, 14, 29-34, 39 and 41 are pending and under examination.

The entry of a new sequence listing has overcome objections to the specification set forth in Paper 16.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Applicant's amendment has overcome 112 and 102 rejections of record. The disclaimer filed on 9/3/02 (Paper 22) has overcome previously stated obviousness type double patenting rejections.

A new prior art rejection follows.

Claims 2, 5 and 7 are rejected under 35 U.S.C. 102^(b) as being anticipated by Carr (WO 98/52976 of record in I.D.S. of 2/11/02) in light of Collen (5,951,980).

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The Carr reference has an effective filing date, since the instant claims only have benefit of the instant CIP filing date of 2/8/00.

Carr shows modification of streptokinase by identifying T-cell epitopes therein and then modifying these epitopes by substitution of amino acid residues within these eptiopes. See pages 4 and 35-38. With these modifications the streptokinase is less immunogenic. Claim 2 is thus anticipated.

Claim 5 is anticipated since streptokinase is not endogenous to humans (page 36, lines 17-19).

Claim 7 is anticipated since Carr substitutes amino acid residues-- K for I and F for Y in each of the respective epitopes taught at page 37. Compare sequences in Figs. 28 and 29.

It is noted that Col~~l~~^on provides an extrinsic teaching (col. 1, lines 58-67) that staphylokinase and streptokinase may induce anaphylaxis. This is a type of allergic/hypersensitive reaction (see Herbert et al. definition). Thus the modified streptokinase of Carr inherently has a lowered allergenicity.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David A. Saunders, Ph.D., whose telephone number is (703) 308-3976. The examiner can normally be reached on Monday-Thursday from 8:00

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a.m. to 5:30 p.m. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Chan, can be reached on (703) 308-3973. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-4242.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0196.

D. Saunders:jmr

December 18, 2002

David C. Saunders
DAVID SAUNDERS
PRIMARY EXAMINER
ART UNIT 182/644